

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-39 are presently pending. Claims amended herein are 1, 20 and 39. Claims withdrawn or cancelled herein are 18 and 37. New claims added herein are 40 and 41.

### **Formal Request for an Interview**

**[0004]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0005]** Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

### **Claim Amendments and Additions**

**[0006]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 20 and 39 herein.

**[0007]** Furthermore, Applicant adds new claims 40 and 41 herein, which are directed towards the reference message sequence comprising a sequence that reflects known failure conditions within the sequence. These amendments and

new claims are fully supported by Application and therefore do not constitute new matter. Support can be found at least at page 13 of the specification of the present application.

## **Substantive Matters**

### **Claim Rejections under §102(e)**

**[0008]** Claims 1-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0038855 to Martin. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

#### **Independent Claim 1**

**[0009]** Independent claim 1 has been amended to incorporate dependent claim 18. Additionally, independent claim 1 has been further amended to recite in pertinent part a method for investigating messages passed in a message-passing environment, comprising:

analyzing said at least one message sequence from the message-passing environment to extract information regarding at least the one participant in the message-passing environment, wherein the analyzing comprises comparing at least one message sequence with a reference message sequence, the reference message sequence comprises a sequence that reflects an error-free operation in the message passing environment;

**[0010]** Martin does not teach the analysis of at least one message sequence by comparing at least one message sequence to a reference message sequence.

Martin especially does not teach analyzing a message sequence by comparing the sequence to a reference message sequence that comprises a sequence that reflects an error-free operation in the message passing environment. As such, Martin does not anticipate claim 1 as amended.

**[0011]** The Examiner points to Fig. 6 as teaching the analysis comprising comparing said at least one message sequence with a reference message sequence. Applicant respectfully disagrees with the Examiner's analysis. Fig. 6 of Martin displays a session timing profile. (See [0053]) Fig. 6 shows various messages have been communicated between a client 202, a network service 204, and a supporting network service 206. None of these references are referred to as a reference message. Instead, Fig. 6 simply teaches a log of messages communicated across a network.

**[0012]** Independent claim 1 has been amended even further to clarify that the reference message sequence comprises a sequence that reflects an error-free operation in the message passing environment. Martin is silent as to whether any of the messages recorded in Fig. 6 are error free sequences. As such, Martin cannot anticipate independent claim 1.

**[0013]** Applicant respectfully requests that the Examiner withdraw the rejections of independent claim 1 as amended. Claim 1 is now in proper form for immediate allowance.

Dependent Claims 2-17 and 19

**[0014]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 20

**[0015]** Independent claim 20 has been amended to incorporate dependent claim 37. Additionally, independent claim 28 has been further amended to recite in pertinent part an apparatus for investigating messages passed in a message-passing environment, comprising:

analysis logic configured to analyze said at least one message sequence from the message passing environment to extract information regarding at least the one participant in the message-passing environment, wherein the analysis logic is further configured to compare said at least one message sequence with a reference message sequence, the reference message sequence comprising a sequence that reflects an error-free operation in the message passing environment;

**[0016]** As was explained with reference to independent claim 1, Martin does not anticipate independent claim 20 because Martin fails to teach the use of a

reference sequence in analyzing a message sequence. More particularly, Martin fails to teach the use of a reference message sequence that comprises a sequence that reflects an error-free operation in the message passing environment. As such, claim 20 as amended is not anticipated by Martin. Applicant respectfully requests the Examiner withdraw the rejection of claim 20.

Dependent Claims 21-26 and 38

**[0017]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 39

**[0018]** Independent claim 39 has been amended to incorporate element already shown to be allowable. Independent claim 39 has been further amended to recite in pertinent part an apparatus for investigating messages passed in a message-passing environment, comprising:

means for analyzing said at least one message sequence from the message-passing environment to extract information regarding at least the one participant in the message-passing environment, wherein the means for analyzing is further configured to compare said at least one message sequence with a

reference message sequence, the reference message sequence comprising a sequence that reflects an error-free operation in the message passing environment

**[0019]** Independent claim 39 has also been amended to incorporate the aforementioned allowable elements. As such, independent claim 39 is now in proper form for immediate allowance. Applicant respectfully requests that the Examiner withdraw the rejection of claim 39.

*Claims 40 and 41*

**[0020]** Claims 40 and 41 are new claims that further specify that the reference message sequence that reflects known failure conditions within the message passing environment. Martin is silent as to the use of a reference message sequence containing known error conditions. As such, dependent claims 40 and 41 contain allowable subject matter.

**Conclusion**

**[0021]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 2008.08.06

By: 

Jason F. Lindh  
Reg. No. 59090  
(509) 324-9256 x215  
[jason@leehayes.com](mailto:jason@leehayes.com)  
[www.leehayes.com](http://www.leehayes.com)